

## **CHARTER COMMISSION MEETING MINUTES**

**MONDAY, FEBRUARY 14, 2011**

**705 W. University Avenue, Council Auditorium**

**Commission members in attendance:** Dale Bourgeois, Karen Carson, Bruce M Conque, George A. Lewis, Greg Manual, D. Keith Miller, Stephen J. Oats, Aaron Walker

**Absent:** Odon Bacque

**Charter staff members in attendance:** Mike Hebert (City-Parish Attorney), Pat Ottinger (Assistant City-Parish Attorney) and Veronica L. Williams (Charter Commission Clerk)

**Council Members/Staff in attendance:** Council Chair Kenneth Boudreaux, Council Member Jay Castille and Council Clerk Norma Dugas

**Administration staff in attendance:** Director of Lafayette Utilities System Terry Huval

(5:30 p.m.) AGENDA ITEM NO. 1: Call to order  
Chair George Lewis called the meeting to order.

AGENDA ITEM NO. 2: Invocation and Pledge of Allegiance  
Commissioner Aaron Walker was called upon to deliver the invocation and lead the Pledge of Allegiance.

AGENDA ITEM NO. 3: Comments/Announcements from Commission Members  
There were no comments from the public.

AGENDA ITEM NO. 4: Separate City and Parish Charters

Lewis stated that the Commission had submitted the drafts to the Legal Department for its review and was still awaiting a response on recommended changes.

A motion was offered by Walker, seconded by Conque to identify a preliminary Charter proposal to provide for two (2) options on the ballot...Option 1: separate Charters for the City and Parish with a seven (7) member City Council and a Mayor for the City of Lafayette, a seven (7) member Parish Council and a President for the Parish of Lafayette, with two districts on both the City Council and the Parish Council being designated as minority districts and the services/functions remaining consolidated as with the existing Charter; and Option 2: the existing Charter in its present day form.

Walker originally suggested a five (5) member body for the City Council. Conque stated that two (2) minority districts may not be possible under a five (5) member Council. With that said, Walker made his motion, including a 7-member City Council. Manuel questioned whether the current motion provided for a tweaked Charter option and Walker responded that it did not. Manuel expressed concern that under the current motion, a new Charter Commission would have to be established for voters to consider a tweaked version of the existing Charter. Lewis stated that the tweaked version could not be placed on a ballot, adding that the existing Charter had to be an option. Bourgeois stated that it was his understanding that the Commission would build a tweaked version of the existing Charter.

► Lewis Kellogg stated that adding more elected officials and separating the government could cause confusion on who represented a specific area; also, adding new elected officials could be more costly.

► Nancy Mounce supported the creation of a City Council and questioned whether the seated Council could send Charter amendments to the voters. Ottinger responded negatively, adding that as per Attorney General opinions, Charter amendments could only be done via a Charter Commission. On the ballot proposal, Ottinger explained that it was envisioned a ballot item would provide the voter the option to say “yes” or “no” (or be “for” or “against”) on a particular proposal. Mounce concurred that there should be one issue on the ballot. The more elected officials that were added to the government, the easier it might be to defeat the proposal.

Manuel questioned Mounce’s statement on it being necessary to split the government and asked why the Hefner proposal could not be an option. Mounce reiterated that the more difficult the plan was for the public to understand, the harder it would be to sell. Should a proposal for the separate Charters fail, she stated that a second (2<sup>nd</sup>) Charter Commission could be established to review tweaks to the Charter and the Hefner model.

Dale Brasseaux stated that the consolidated functions/services option should be a choice for the Parish Government to select and should not be a requirement and Lewis explained that the language in the draft Charter stated that the Parish “may” continue utilizing the consolidated services. Oats asked if Legal had received any response on whether two (2) options for separate governments and the tweaked Charter could be placed on the ballot. Ottinger noted it was his opinion that multiple choices could not be placed on the ballot and read from Section 7-03 of the existing Charter wherein: *“Proposals by the Council and by petition may be submitted to the voters at the same election and voters may, at their option, accept or reject any or all such proposals. Should conflicting proposals be approved at the same election, the one receiving the greater number of affirmative votes shall prevail to the extent of such conflict.”*

Oats questioned whether a ballot item could contain two proposals and a voter could choose one or the other, similar to that of a candidate. He added that neither he nor fellow Commissioner Bacque wanted the status quo as an option (an existing Charter that was not tweaked). Manuel too wanted to eliminate the existing Charter in its current day form as an option. Bourgeois referred to the suggested ballot option by Ottinger, which stated:

The ballot form for the referendum on this proposed Charter shall be:

“Shall the existing Home Rule Charter and plan of government for the Lafayette City-Parish Consolidated Government, approved at a public referendum held on November 3, 1992, as heretofore amended, be replaced by (a) Home Rule Charter and plan of government for the City of Lafayette, according to Article VI, Section 4 of the Constitution of Louisiana and other applicable law, and (b) Home Rule Charter and plan of government for the Parish of Lafayette, according to Article VI, Section 5 of the Constitution of Louisiana and other applicable law, both as prepared and submitted by the duly constituted Charter Commission to the Clerk of the Lafayette City-Parish Consolidated Council and to the City-Parish President on April \_\_, 2011, and shall such separate Charters for the City of Lafayette, and for the Parish of Lafayette be adopted?”

☐ FOR

☐ AGAINST

Bourgeois questioned whether the ballot proposal could include the tweaked Charter. Bourgeois continued that one question that had not been addressed was, what would a given proposal cost citizens. Lewis stated that adding more elected officials in a separate proposal could cost more; however, that residents might be willing to pay more to have its autonomy. Bourgeois concluded by stating that the salary structure needed to be revisited. Hebert reminded that any decisions/votes made at this point by the Commission would be preliminary.

On the motion offered by Walker, seconded by Conque **to identify a preliminary Charter proposal to provide for two (2) options on the ballot...Option 1: separate Charters for the City and Parish with a seven (7) member City Council and a Mayor for the City of Lafayette, a seven (7) member Parish Council and a President for the Parish of Lafayette, with two districts on both the City Council and the Parish Council being designated as minority districts and the services/functions remaining consolidated as with the existing Charter; and Option 2: the existing Charter in its present day form** and the vote was as follows:

YEAS: Carson, Conque, Lewis, Walker

NAYS: Bourgeois, Manuel, Miller, Oats

ABSENT: Bacque

ABSTAIN: None

*The motion failed.*

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A motion was offered by Carson, seconded by Conque to rescind the request made to the City-Parish Council to extend the term of the Charter Commission. Oats stated that he thought more time would be needed to review other Charter options.

After discussion, a motion was offered by Walker, seconded by Bourgeois **to call for the question on whether to rescind the request to extend the time** and the vote was as follows:

YEAS: Bourgeois, Carson, Conque, Lewis, Manuel, Miller, Oats, Walker

NAYS: None

ABSENT: Bacque

ABSTAIN: None

*The motion was approved.*

On the motion offered by Carson, seconded by Conque **to rescind the request made to the City-Parish Council to extend the term of the Charter Commission** the vote was as follows:

YEAS: Bourgeois, Carson, Conque, Lewis, Walker

NAYS: Manual, Miller, Oats

ABSENT: Bacque

ABSTAIN: None

*The motion was approved.*

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A motion was offered by Oats, seconded by Conque **to identify a preliminary Charter proposal to provide for two (2) separate charters (a City Charter and a Parish Charter)** and the vote was as follows:

YEAS: Bourgeois, Carson, Conque, Lewis, Miller, Oats, Walker

NAYS: Manual

ABSENT: Bacque

ABSTAIN: None

*The motion was approved.*

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A motion was offered by Oats, seconded by Bourgeois **to identify a preliminary Charter proposal to allow for a 7-member City Council and a 7-member Parish Council under the separate charters** and the vote was as follows:

YEAS: Bourgeois, Carson, Conque, Lewis, Manuel, Miller, Oats, Walker

NAYS: None

ABSENT: Bacque

ABSTAIN: None

*The motion was unanimously approved.*

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A motion was offered by Oats, seconded by Conque **to identify a preliminary Charter proposal to allow for a full time mayor for the City of Lafayette under the separate City Charter** and the vote was as follows:

YEAS: Bourgeois, Carson, Conque, Lewis, Manuel, Miller, Oats, Walker

NAYS: None

ABSENT: Bacque

ABSTAIN: None

*The motion was unanimously approved.*

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Walker asked if a President were selected, could he/she reside in the City of Lafayette and still run for Parish President and Lewis responded affirmatively.

A motion was offered by Oats **to identify a preliminary Charter proposal to allow for a full time Parish Manager for the Parish of Lafayette under the separate Parish Charter, with the Manager being selected by the Parish Council.**

*There was no second to the motion, so the motion failed for a lack of second.*

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A motion was offered by Carson, seconded by Conque **to identify a preliminary Charter proposal to allow for full time Parish President for the Parish of Lafayette under the separate Parish Charter** and the vote was as follows:

YEAS: Bourgeois, Carson, Conque, Lewis, Miller, Walker

NAYS: Manuel, Oats

ABSENT: Bacque

ABSTAIN: None

*The motion was approved.*

#### AGENDA ITEM NO. 5: Ballot Proposition

With reference to a ballot proposition, see above discussion on motion by Walker and on Ottinger's ballot suggestion.

#### AGENDA ITEM NO. 6: Extend the time for Charter Commission to complete its work?

On Carson's motion above, the Commission voted to rescind their request to the Council for additional time.

#### AGENDA ITEM NO. 7: Future actions (when to post on website, when to hold public hearings)?

Lewis stated that once the attorneys completed their review of the draft Charters, the Commission could move forward with placing the drafts on the website and at libraries for public review and comment.

AGENDA ITEM NO. 8: General comments from the public on Consolidation

► Nancy Mounce asked if the salaries of the City Council members could be lowered and Lewis responded affirmatively. Oats stated that the salaries identified in the draft Charters needed to be reassessed.

► Council Chair Kenneth Boudreaux stated that no further action would be needed by the Commission on the vote taken to rescind the request to extend the term.

AGENDA ITEM NO. 9: Next meeting date

The next meeting was scheduled for February 21 to review the drafts, following the attorney's review.

AGENDA ITEM NO. 10: Adjourn

There being no further business, the meeting adjourned at 6:29 p.m.